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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,856	12/08/2003	Byugjin Kim	2950-0277P	9299

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EXAMINER

BOCCIO, VINCENT F

ART UNIT PAPER NUMBER

2621

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/728,856	Applicant(s) KIM ET AL.	
	Examiner Vincent F. Boccio	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment of 6/12/06 & RCE 8/14/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7,9-11 and 13-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9-11 and 13-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/435,608.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2621.

Response to Arguments

1. Applicant's arguments filed 6/12/06 against amended claims 1, 6, 10, 15, 19, 22, 26, 36, 45, 55 and new claim 57, have been fully considered but they are not persuasive.

{A} In re page 14, applicant states, "Kikuchi's flags indicating whether or not the video data exists in the VOB ... is clearly different from the information indicating whether or not the entry point map exists ... required by the claims."

In view of applicant's Fig. 5, a determination is made with respect to a FLAG = 1 then TARGET = SOBU (same as VOB).

When a test for Flag = 1, is also a test Flag = 0, which as in steps S35-S36 does not utilize the targeted SOBU information, indicated by the Flag value.

Kikuchi reads on the amended claims because, there first is the Flag value being the same Fig. 35 B and col. 21, lines 33-35, which recites,

"When the flag is at 0, this means there is no video data in the video objects units", therefore the pointer to the VOB,

"does not exist for jumping purposes",

When the Flag = 1, this means the entry point exists for jumping purposes and is valid in view of the flag value = 1.

The examiner does not interpret the claims to be distinguishable, further based in the drawings presented the examiner cannot distinguish any distinct features in view of the

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drawings fail to show the data structure of the table having and corresponding to the claims.

In accord to applicants disclosure page 15, [52],

"The value of the stream object unit grouping type indication flag implies that the stream object unit (SOBU) is created so that it is randomly accessible and thus the stream object unit (SOBU) is the basic group for a trick play which means data-discrete reproduction. This fact also means that the stream object unit (SOBU) contains a random access entry point."

When a stream object, or VOB of Kikuchi also reads directly on this situation.

When the VOB does not have VIDEO DATA, which is in accord to MPEG 2 as a requirement to the DVD standard.

Meaning that there is no video {in the VOB}, therefore, no I frame, which is a point that can be read and decoded is a randomly accessible entry point, or the, I frame in the VOB.

When video exists in the VOB, indicated by the Flag value = 1, means that the point is randomly accessible and can be jumped to based on the address and can be used and therefore, exists and is valid.

While when the Flag = 0, the entry point does not exist because, it cannot be jumped to randomly, therefore, the entry point or map Flag 1/0 and VOB designations, can be said to exist/not exist for jumping to, based on the Flag value.

The claims are not deemed distinguishable in view of applicant's specification.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims {6-7 & 9}, {19-21}, {36-44} are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

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The claims comprise limitations of:

- medium;
- digital data streams (non-functional descriptive material); and
- managing information (functional descriptive material).

{A} Claim 6 recites, "a recording medium for recording", the examiner suggests, "a record medium having recorded thereon".

{B} Claim 6 also fails to link the functional descriptive material to the non-functional descriptive material and how the management information is used against the digital data.

Element A reinforces a medium having data recorded thereon, rather than merely for recording.

Element B provides a Nexus between the functional descriptive material and non-functional descriptive material, these requirements are based on 101 statutory evaluations presently applied and understood.

Please review all medium claims for similar issues and amend or other, accordingly to overcome this 101 rejection set fourth. Refer to MPEP chapter 2100 for guidance.

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Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-2, 4-7, 9-11, 13-57 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikuchi et al. (US 5,870,523).

Regarding claim 1, Kikuchi discloses and meets the limitations associated with a method of recording, apparatus for recording and medium data structure,

the method comprising:

- recording a received digital data stream of data packet units (Fig. 6, units, met by either cells or VOBUs) by grouping the data packet units into an object (Video Object 83, comprising Cells and VOBUs); and
- creating and recording management information/point map, of the object (Fig. 35 A-C, etc.....);
- the management information/point map, including entry point of the digital data stream and information indicating whether or not the entry point associated with the entry point exists (Fig. 35 B, "V_FWD Exist 1 and V_FWD Exist 2", also Fig. 35 C, backward or BWD, col. 21, lines 9-);

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- read in light of Fig. 5 of applicants disclosure, Flag = 1, SOBU exists, search SOBU, therefore the SOBU exists based on the Flag, and pages 14-15, [52]
- Flag = 0, SOBU does not exist, therefore, on the alternative search for SOBU corresponding to the user's search time, therefore no SOBU exists based on the flag, therefore existence or not of the SOBU is met in view of the VOBUs exist or not;
- wherein the units include video data (see Video Objects, col. 11, video stream objects), claim 2;
- wherein the management information is recorded on the medium/DVD (Fig. 35, to Fig. 31 to Fig. 25, which is a navigation pack, recorded to the medium, Fig. 6 NAV pack 86, col. 13, lines 15-16, DVD), claims 4-5.

Claims 6-7, 9, 10-11, 13-14, 15-26, 17-18, 19-25, 55-56 have been analyzed and discussed with respect to the claims above.

Claims 26-54 also have been analyzed and discussed with respect to the claims above,

but, recite an additional limitation such as:

- having, on the medium, method and apparatus for creating, recording, even reproducing with respect to,
- map information, for accessing the data of the digital data stream, wherein the map information includes access time and object unit information associated with the object units (col. 15, lines 15-33, "table, ... start address ... video ... time search map"), as claimed in claims 26, 36, 45;
- wherein the object unit information includes object unit size of that object unit and presentation playing time information associated with each of the object units, access time includes a plurality of index number each associated with one the object units, access time includes location, duration

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between two start presentation position, as claimed
in claims 30-32, 39-41, 49-51

(since, as claimed Objects (such as Movies/video) and Units
are subsets of the video or VOB),

the limitation above are deemed to read on (Fig. 13,
"SIZE of the VTS", various address information, Fig. 14,
index numbers are also shown, # 1, 2 ..., Fig. 15, "number
of VTS_PGCs", or a duration attribute, Fig. 17, Fig. 18,
"Playback time", Fig. 19, time map, Fig. 20, cell entry
number being another index number, Fig. 21, cell playback
information, Fig. 22, cell playback time, Fig. 23, cell
position information, Fig. 24, VOB ID number which is
another index, Fig. 35 A, another table, having set of
index numbers and addresses etc..., associated VOBUs
reproducing time information or duration information,
and

col. 12, lines 1-16, col. 14, lines 46 to col. 15,
line 34, "direct access pointer table, VTS_DAPT 99 is
represented by the number of blocks relative to the first
byte in the video title set information (VTSI) 94." and
time search map, "VTS_MAPT", "expressed by the number of
blocks , relative to the first byte of the video title set
information (VTSI) 94", therefore are duration attributes
between various units and (col. 14, lines 61-65, "size of
the VTS"), and presentation time (met by time in the map),
as recited in claims 33-35, 42-44, 52-54.

Regarding claim 57, which recites, wherein if the
information indicates that the entry point map does not
exists (Flag = 0), therefore, does not exist to be a valid
jump location for random access, then the management
information (also) includes

O a time based map defined by a time period (Fig.
12, "Video Title Set Time Search Table, VTS_MAPT", col. 14,
lines 47-56).

Contact Fax Information

Any response to this action should be faxed to:

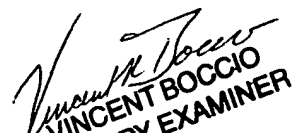
(571) 273-8300, for communication as intended for entry,
this Central Fax Number as of 7/15/05

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Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent
9/2/06


VINCENT BOCCIO
PRIMARY EXAMINER